



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,327	07/14/2003	Robert Victor Holland	72191	6666
27975 7590 09/10/2010 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER				
SMITH, MARCUS				
ART UNIT		PAPER NUMBER		
2467				
NOTIFICATION DATE		DELIVERY MODE		
09/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/619,327

Applicant(s)

HOLLAND ET AL.

Examiner

MARCUS R. SMITH

Art Unit

2467

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/23/10 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2, 5, and 8 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 8/23/10 have been fully considered but they are not persuasive. The examiner disagrees with applicant that the cited prior art, Sjodin, fails to disclose the step of completing the connection of said call to said called device without requiring a copy of dialing plan for all other nodes. Sjodin only teaches stores the dialing plan in the node in which the phone is located (see figures 4-5: paragraphs 38-39). Sjodin does not teach that the node is sending the stored information to all other nodes for the nodes store the same information on their databases. Thus, the examiner views the step of storing information on one node as not being equivalent to requiring a copy of dialing plan for all other nodes.

Claim Objections

3. Claims 1, 2, 5, and 8 are objected to because of the following informalities: For clarity, the applicant should use the same terminology, unless the applicant means to view these terms as different. Since both terms "telecommunication device" and "communication device" are coupled to nodes, the examiner views the term as equivalent. The examiner can not distinguish the difference between the term "limited access multinode cooperative telecommunication network" and the term "limited access internode communication network" except for the word "node" having a different prefix in front it. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjodin (US 2001/0003092).in view of Forman et al. (US 2003/0138085).

Claim 8 is contains all the limitations elements of the claims 1, 2, and 5.

With regard to claim 8, Sjodin (see figures 4, 6- 7) teaches: A method of operating a multinode, cooperative, restricted access telecommunication network comprising a limited access internode communication network and a plurality of nodes (NN, 10, 20, 30, 40) coupled to one another by said internode communication network (see figure 1), each node comprises a private branch exchange (PBX) platform and each having a separate dialing plan (Page 3, paragraph 33), wherein each node has a copy of the dialing plan only for its node as a (PBX) platform (paragraph 33) and no other nodes and being operative to service multiple telecommunication devices coupled thereto through the respective separate dialing plan for the respective node (paragraph 38, which states that node in which the device roamed to stores the authentication key), each communication device having an extension (portable unit number: PUN) within a respective dialing plan for the respective node to which it is connected that is used in the course of routing a call from a calling communication device to a called communication device as a queried target corresponding to a requested extension (paragraph 34), said method comprising the steps of:

(a) storing at each node the dialing plan that contains only communication device extensions that are coupled to said each respective node (page 4, paragraph 39: see step 220 in figure 5);

(b) in response to the placement of a call from a communication device coupled to a first node (step 300 in figure 6: page 4, paragraph 41), causing said first node to examine an associated dialing plan associated with that respective node so as to determine whether said first node is coupled to said called device (step 310: paragraph 41);

(c) in response to said first node determining that said first node is coupled to said called device, routing said call to said called device (step 310A: paragraph 41), but otherwise transmitting a query message (location request) from said first node to all other nodes of said network (step 320: paragraph 41), said query message being operative to inquire whether a respective node receiving said query message is coupled to said called device as a queried target (paragraph 41);

(d) at said all other nodes of said network examining respective call plans only therefor, so as to determine whether said called device is contained therein by examining at each node its local accounts to determine if the queried target is at the requested node (see steps 400 and 410 of figure 7: paragraph 42);

(e) at only a second node which is that one of said all other nodes of said network to which said called device is coupled (step 420: paragraph 42), transmitting a reply message to said first node indicating that said second node is coupled to said called device and has the queried target corresponding to the requested extension (see step 430 of figure 7 and step 330 of figure 6: paragraphs 41-42) while all other nodes ignore the query message and do not transmit a reply message indicative the all other

nodes do not have the queried target as the requested extension for locating or routing (step 410A of figure 7: paragraph 42); and

(f) in response to receipt of said reply message by said first node, routing said call from said first node to said second node, so that said second node may complete the connection of said call to said called device without requiring a copy of dialing plans for all other nodes (step 340 of figure 6: paragraph 41).

Sjodin fails to disclose that the private branch exchange (PBX) platform operates as a switchboard.

However, Forman teaches in figure 2 that the switchboard that handles incoming calls for the telecommunication devices as being equivalent as a PBX (PBX, 225 in figure 2, see paragraph 28). Therefore, because these two were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to have to PBX node will operate as a switchboard as taught by Forman in the PBX nodes of Sjodin.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 8:30 am - 5:00 p.m. and Friday is a telework day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/07/10
/Marcus R Smith/
Examiner, Art Unit 2467